

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN ITS INSOLVENCY JURISDICTION
PETITION NO.93 OF 2006

RE: Raj Kumar Govil & Ors. ...Debtors

EX-PARTE :

Sicom Ltd. ...Ptg.Creditors

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None for Debtors.

Mr.G.R.Mehta for Petitioning Creditors.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 20, 2007.

P.C.

1. The present Petition is founded on the two separate decrees passed in favour of the Petitioning Creditors and against the debtors. The first decree was passed on 3rd October 2001 in Summary Suit No.4760 of 1997, whereas, the second decree was passed on 9th October 2001 in Summary Suit No.4759 of 1997. As the debtors failed to pay the amount, two separate Insolvency Notices were issued by the Petitioning Creditors being Insolvency Notice Nos.N/246 of 2005 and N/247 of

2005 respectively on 17th December 2005. Both these notices were duly served on the debtors on 21st July 2006. In spite of service of notices, debtors failed to pay the decretal amount. As a result, the act of insolvency was completed on 28th August 2006.

2. As the debtors failed to pay the amount, the Petitioning Creditor has approached this Court by way of present Petition on 27th September 2006. Service of present Petition was required to be effected on the debtors by publication which was done on 14th March 2007. In spite of service, none of the debtors have chosen to appear, nor filed any reply.

3. No explanation is offered on behalf of the debtors regarding non-payment of the decretal amount so far. As a result, the Petition deserves to be allowed in terms of prayer clauses (a) and (b).

. Ordered accordingly.

A.M.KHANWILKAR, J.